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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,765	10/19/2005	Hubert Elmer	5255-52PUS	7726

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,765

Applicant(s)

ELMER, HUBERT

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 24 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The oath or declaration must be in English (title of the invention was provided in German). See MPEP § 602.06.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20, 21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Muessel (US 2,933,756).

A fitting for a glass door (16) comprises a fitting body (21,26), a bearing pin (32), a holding screw (33) and a safety screw (42). The fitting body has a receptacle (next to 21) and a pocket hole having an axis (Figs. 1-3). The bearing pin is received in the pocket hole (Figs. 1-3). The bearing pin is movable between an extended position

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(Figs. 1 and 2) where the bearing pin can engage in a counterbearing of a door frame and an unextended position (Fig. 3) where the bearing pin is substantially within the pocket hole. The holding screw is received in the fitting body and engaging the holding pin (Figs. 1-3). The safety screw is received in the fitting body transversely of the axis and through the pocket hole when the pin is in the extended position (Figs. 1-3). The safety screw prevents the bearing pin from moving from the extended position to the unextended position (Figs. 1-3).

The holding screw is received in the bearing pin orthogonally of the axis (Figs. 1-3).

The fitting further comprises cover panels arranged on opposite sides of the fitting body (Figs. 1-3).

The safety screw is threaded in the other one of the panels.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Document DE 89 10 569 (DE' 569) in view of Seaman (US 2,184,259).

DE' 569 discloses a fitting (13) comprising a fitting body (13), a bearing pin (21) and a holding screw (22). The fitting body has a receptacle and a pocket hole (20) having an axis (Figs. 1 and 5-8). The bearing pin is received in the pocket hole (Figs. 1 and 5-8). The bearing pin is movable between an extended position (Figs. 5-8) where the bearing pin can engage in a counterbearing of a door frame and an unextended position where the bearing pin is substantially within the pocket hole. The holding screw is received in the fitting body and engaging the holding pin (Figs. 1-5). DE' 569 fails to disclose that the fitting further comprises a safety screw. However, Seaman teaches a fitting (18) comprising a fitting body (18), a bearing pin (6,7) and a safety pin (14). The fitting body has a receptacle and a pocket hole having an axis (Figs. 1-4). The bearing pin is received in the pocket hole (Figs. 1-4). The bearing pin is movable between an extended position (Fig. 1) where the bearing pin can engage in a counterbearing of a door frame and an unextended position where the bearing pin is substantially within the pocket hole (Page 1, Column 2, Lines 12-23). The safety screw is received in the fitting body transversely of the axis and through the pocket hole when the pin is in the extended position (Figs. 1-3). The safety screw prevents the bearing pin from moving from the extended position to the unextended position (Fig. 1-4). The lower safety screw transmits the weight of the door to the pin (Page 1, Column 2, Lines 5-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the safety screw of Seaman in the fitting of DE' 569. Doing so, prevent movement of the bearing pin into the unextended position and will transmit the weight of the door to the pin.

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The holding screw is received in the bearing pin orthogonally of the axis (Figs. 1 and 5-8).

The holding screw is threaded into the bearing pin (Fig. 6-8).

The safety screw extends through the pocket hole adjacent to the bearing pin when the bearing pin is in the extended position and thereby prevents the bearing pin from moving to the unextended position when the holding screw is removed (when one takes into consideration the teachings of Seaman for the combination).

The fitting further comprises cover panels arranged on opposite sides of the fitting body (Figs. 1-5).

One of said panels has an elongated hole oriented parallel to said axis and receiving said holding screw therethrough (Figs. 5-8). The elongated hole permits said bearing pin to move from said extended to said unextended position when said holding screw is loosened and said safety screw is removed (when one takes into consideration the teachings of Seaman for the combination).

Allowable Subject Matter

6. Claims 24 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGiff (US 2,430,942), Ferguson (US 3,786,534), Kerpers et al. (US 4,620,392), Marinoni (US 5,483,770), Domingo Ribot (US 5,490,305) and Schreiber (US 6,070,293) are cited to show state of the art with respect to fittings having a bearing pin, a holding pin and means to keep the bearing pin in the extended position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571)

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272-7070. The examiner can normally be reached on M-F 07:15 - 15:45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (571) 273-8300) on ____ (Date) ____.

(Typed or printed name of person signing this certificate)

(Signature)

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If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

/James R. Brittain/
Primary Examiner
Art Unit 3677

rcr
July 9, 2007